



— State of —
North Dakota
Office of the Governor
John Hoeven
Governor

EXECUTIVE ORDER 2005-06

WHEREAS, based on the effects of Hurricane Katrina, Executive Order 2005-05 declared a State of Emergency in this state; and

WHEREAS, appropriate measure must be taken in response to the emergency to ensure that gasoline supplies will remain sufficient and to assure the health, safety, and welfare of North Dakota residents and visitors; and

NOW, THEREFORE, I, John Hoeven, by virtue of the authority vested in me as Governor of the State of North Dakota, order the following:

In support of the Federal Government's effort to minimize or prevent disruptions of gasoline and diesel fuel supplies as a consequence of Hurricane Katrina, resulting in an unforeseen, extreme and unusual fuel supply circumstance, the state of North Dakota hereby suspends that portion of Chapter 33-34-01 of the North Dakota Administrative Code in the manner and for the period as put forward in the Emergency Fuel Waiver concerning Diesel Fuel and Gasoline, August 31, 2005, issued by the U.S. Environmental Protection Agency. This waiver allows:

The sale of winter formulated gasoline effective immediately; and

The sale of diesel fuel that exceeds 500 ppm sulfur, effective through September 15, 2005. Retail outlets or wholesale purchaser-consumers that receive diesel fuel having a sulfur content greater than 500 ppm, under the terms of this waiver may continue selling or dispensing this fuel after September 15, 2005 until their supplies are depleted.

This waiver shall be in effect until it is terminated by the U.S. Environmental Protection Agency or by subsequent Executive Order.

Executed at Bismarck, North Dakota, this 6th day of September 2005.

/s/
John Hoeven, Governor

Attest:

/s/
Alvin A. Jaeger, Secretary of State